



NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

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OVERNITE AGREES TO NLRB SETTLEMENT RESOLVING UNFAIR LABOR PRACTICE CHARGES

Fred Feinstein, General Counsel of the National Labor Relations Board, announced today that a tentative settlement has been reached with Overnite Transportation Co. resolving numerous unfair labor practice charges.

The settlement was submitted to the Teamsters union, which brought the charges, and its locals, and individual charging parties for their review, consideration and signature or their objections to the settlement, should they have any. The NLRB's Minneapolis Region 18 office, which coordinated the investigation, will consider any objections raised by the charging parties. If the region remains of the opinion that the settlement effectuates the policies of the National Labor Relations Act, it will recommend to the General Counsel that the settlement be submitted to the Board for approval.

The charges arose in 1994 from the company's response to the union's organizing campaign. The allegations included threats of discharge and closure of facilities, expressions of the futility of collective bargaining, discriminatory discharges and other discipline, the granting of an unprecedented wage increase to forestall unionization, and refusal to bargain with local unions that had attained majority support at certain terminals. Representation elections were held at 35 terminals between December 1994 and April 1995. The union won 12 of these and lost 21, and the outcome of the remaining two are dependent on the resolution of challenged ballots. Objections, which may result in the holding of rerun elections, are pending with respect to 22 of the elections. Additional representation

The settlement provides for a nationwide remedy including entry of a Board order, provisions for entry of a court judgment requiring the company to obey the law, and a nationwide posting of a notice that assures Overnite's employees that their rights under the Act will be respected. The settlement also provides for backpay to union-represented employees at Overnite's terminals in Blaine, Minnesota; Kansas City, Kansas; Indianapolis, Indiana; and Sacramento, California.

Further, the settlement provides for settlement discussions, including mediation of certain allegations that are not covered by the settlement such as allegations of unlawful discharge, suspension or other discriminatory conduct. The settlement reserves the right of the General Counsel to litigate those allegations not settled either by the settlement or through mediation and to litigate cases in which a bargaining order is being sought as a remedy for the alleged unlawful conduct. An alternative dispute resolution procedure has been established to be utilized if Overnite engages in future unlawful conduct.

Upon being advised of Overnite's agreement to the settlement, General Counsel Feinstein stated:

"Minneapolis Regional Director Ron Sharp and his staff, as well as the other regions and offices which were involved in the case, are to be commended for the professionalism with which they approached this case despite an atmosphere of intense scrutiny. As we try to do in all of our cases, our regional offices have promptly investigated numerous allegations of unfair labor practices and issued complaints against Overnite where appropriate.

"I look forward to the prompt completion of the settlement process and hope that this step marks a new stage in Overnite's labor relations."

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